

18444. Adulteration of poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26170. I. S. No. 20268. S. No. 4501.)

Samples of poultry from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On April 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 barrels of poultry, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Fremont Beverage Co., from Fremont, Nebr., on or about June 16, 1930, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of decomposed birds.

On May 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18445. Adulteration and misbranding of canned frozen eggs. U. S. v. 560 Cans, et al., of Frozen Eggs. Product released under bond to be relabeled. (F. & D. Nos. 26172, 26207. I. S. Nos. 28328, 28334. S. Nos. 4507, 4527.)

Samples of canned frozen eggs from the shipments herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 6 and April 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,075 cans of frozen eggs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Jerpe Commission Co., from Omaha, Nebr., in part on or about January 5, 1931, and in part on or about February 19, 1931, and had been transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Frigidegs Frozen, Strictly Fresh, Stir Eggs Well Before Using;" (tag) "Frigid Food Products, Inc., Packers * * * of Frigidegs * * * Gold Yolks [or "Mixed"] * * * Omaha, Nebr."

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that sugar had been substituted in part for the said article. Adulteration was alleged with respect to the remainder for the reason that frozen eggs containing added sugar had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Frigidegs * * * Gold Yolks * * * Stir Eggs Well before using," with respect to a portion of the article, and the statements, "Frigidegs * * * Stir eggs well before using," with respect to the remainder, were false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1931, the Frigid Food Products (Inc.), Detroit, Mich., having appeared as claimant for the property and having admitted that the article was improperly labeled, judgments were entered permitting the claimant to take custody of the said product for the purposes of relabeling it under the supervision of this department, upon the filing of bonds totaling \$1,000, and it was ordered by the court that the claimant pay all costs. On June 9, 1931, the product having been inspected and found to be relabeled in a manner meeting the requirements of this department, it was ordered released and the bonds were canceled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18446. Adulteration and misbranding of frozen eggs. U. S. v. 49 Cans of Frozen Eggs. Product released under bond to be relabeled. (F. & D. No. 26171. I. S. No. 28330. S. No. 4505.)

Samples of canned frozen eggs from the shipment herein described having been found to contain added undeclared sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 cans of frozen eggs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Frigid Food Products (Inc.), from Detroit, Mich., on or about January 2, 1931, and had been transported from the State of Michigan into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Frigidegs Frozen * * * Stir Eggs Well before Using;" (tag) "Packed Exclusively By Frigid Food Products Inc., Packers * * * of Frigidegs Frozen * * * Gold Yolks * * * Omaha, Nebr."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Frigidegs * * * Gold Yolks * * * Stir Eggs Well Before Using," were false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1931, the Frigid Food Products (Inc.), Detroit, Mich., having appeared as claimant for the property and having admitted that the article was improperly labeled, judgment was entered permitting the claimant to take custody of the product for the purpose of relabeling it under the supervision of this department, upon the filing of a bond in the sum of \$500, and it was further ordered by the court that the claimant pay all costs. On June 9, 1931, the product having been inspected and found to be relabeled in a manner meeting the requirements of this department, it was ordered released and the bond was canceled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18447. Adulteration and misbranding of frozen eggs. U. S. v. 232 Cans of Frozen Eggs. Product ordered released under bond to be relabeled. (F. & D. No. 26214. I. S. No. 28326. S. No. 4474.)

Samples of canned frozen eggs from the shipment herein described having been found to contain undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 232 cans of frozen eggs at Chicago, Ill., alleging that the article had been shipped by the Youngstown Warehouse Co., from Youngstown, Ohio, March 23, 1931, and had been transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Frozen Eggs * * * Yolks."

It was alleged in the libel that the article was adulterated in that a substance, frozen eggs containing added sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements, "Frozen Eggs" and "Yolks," borne on the label, were false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

Armour & Co., Chicago, Ill., filed a claim and answer in the case, consenting to the entry of a decree condemning the product, but neither admitting nor denying the allegations of the libel. On April 21, 1931, a decree was entered adjudging the material allegations of the libel to be true and ordering that the product be released to the claimant upon the payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18448. Misbranding of Molo dairy feed. U. S. v. 150 Sacks of Molo Dairy Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26162. I. S. No. 16726. S. No. 4486.)

Samples of dairy feed from the shipment herein described having been found to contain less protein and more fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.